

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

NITRIDE SEMICONDUCTORS CO.,
LTD.,

Plaintiff,

v.

DIGI-KEY CORPORATION D/B/A/
DIGI-KEY ELECTRONICS,

Defendant.

Civil Action No. 0:17cv04359 DWF/LIB

JURY TRIAL DEMANDED

**PLAINTIFF'S STATEMENT OF
NON-OPPOSITION TO
DEFENDANT'S MOTION TO
STAY**

Plaintiff Nitride Semiconductors Co., Ltd. ("NS") does not oppose the motion to stay filed by Defendant Digi-Key Corporation d/b/a Digi-Key Electronics ("Digi-Key") under the current circumstances. NS reserves the right to move to lift the stay if the circumstances outlined in Digi-Key's motion change in the future.

NS submits this short statement to respond to Digi-Key's baseless assertions that NS brought this action for purposes of harassment and intimidation. To the contrary, in this lawsuit NS is diligently enforcing its U.S. Patent No. 6,861,270 ("the '270 Patent") against Digi-Key's recent entry into the emerging market for ultra-violet ("UV") light-emitting diodes ("LEDs") by offering infringing UV LEDs.

On August 22, 2017, Digi-Key announced that it intended to begin selling RayVio's infringing UV LEDs. *See* Declaration of David Stein ("Stein Decl.") at ¶5 (Dkt No. 27). As Digi-Key's Vice President of Global Semiconductor noted in announcing

this decision, the UV-LED market is “an emerging market with unlimited applications within the health and hygiene industries.” RayVio UV LED Technology Available Worldwide from Digi-Key, <https://www.digikey.com/en/news/press-releases/2017/aug/rayvio-uv-led-technology-available-worldwide> (last visited Oct 31, 2017). NS filed this lawsuit a month after Digi-Key’s announcement. This reflects prompt action to enforce the ’270 patent against Digi-Key’s entry into this emerging market with infringing UV LEDs—consistent with NS’s enforcement of this patent against RayVio’s infringement—and not to “harass” or “intimidate” Digi-Key, as Digi-Key has cavalierly asserted. Dkt No. 25 at 1, 5, 12. Moreover, NS’s agreement not to oppose Digi-Key’s motion to stay further evidences NS’s reasonableness in seeking efficient adjudication of infringement of its patent rights.

Dated: October 31, 2017

Respectfully submitted,

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